



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/199,129

Filed: November 24, 1998

Confirmation No.: 3322

Art Unit: 1635

Examiner: Janet L. Epps Ford

Atty. Docket: 16517.140

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Mail Stop AF

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed May 31, 2005, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

09/01/2005 SZEWDIE1 00000051 502387 09199129
01 FC:1401 500.00 DA

Date: August 31, 2005

Of Counsel:
Lawrence M. Lavin, Jr. (Reg. No. 30,768)
Thomas E. Kelley (Reg. No. 29,938)

Correspondence Address:

Monsanto Company
800 N. Lindbergh Boulevard
Mailzone E2NA
St. Louis, Missouri 63167
Tel: 314-694-1000
Fax: 314-694-9009

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
Fax: 202-942-5999

ARNOLD & PORTER LLP



August 31, 2005

Thomas E. Holsten
Thomas.Holsten@aporter.com

202.942.5085
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1635
Examiner: J.L. Epps Ford
Conf. No.: 3322

Re: U.S. Patent Application No. 09/199,129 filed November 24, 1998
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.140

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge \$500.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.140. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.140. A duplicate copy of this letter is attached.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

Enclosures